

RAYMOND C. CABALLERO
MAYOR



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY MEDINA
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
APRIL 15, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, John Cook, Daniel S. Power, Luis G. Sariñana and Anthony W. Cobos. Late Arrival: Representative Medina arrived at 9:14 a.m. Excused Absence: Paul J. Escobar. Meeting was called to order at 9:10 a.m. and the invocation was given by Police Chaplain Ellen Fenter, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. *Federico Terrazas Torres Day*
2. *Earth Month*
3. *Fair Housing Month*
4. *Salvation Army Month*

Motion made by Representative Medina, seconded by Representative Power and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Agreement between the CITY OF EL PASO, TEXAS PERSPECTIVES, INC. AND MGT OF AMERICA, INC. ("Consultants") to provide a market demand analysis and health care needs assessment in connection with the master planning efforts by the City for a unified regional medical campus and complex within Tax Increment Financing District No. Two.

NOTE: Resolution was revised.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Department of Aviation be authorized to host a dance presentation and a book signing at the El Paso International Airport by the Batopilas Tarahumara Matachine Dance Group on April 25, 2003 at 2:00 pm. The sale of Tarahumara arts and crafts and a guidebook to Copper Canyon by Richard D. Fisher will be permitted during the presentation.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign a First Amendment to the La Placita Lease Agreement between the City of El Paso ("Lessor"), and the Paseo Del Sol d/b/a La Zia ("Lessee"), to correct an error in the stated term of the lease.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award from the American Heart Association on behalf of the City of El Paso and its Police Department, for grant funding in the amount of \$50,375.00 for the purpose of obtaining fifty automated external defibrillators to be placed some of the Police Department's patrol vehicles; that the Chief of Police or his designee be authorized to sign the payment request form; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. Matching funds required in the amount of \$50,375.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso / District Attorney, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System and program from September 1, 2002 through August 31, 2003, in an amount not to exceed \$347,000.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the Ysleta Independent School District (YISD) for the furnishing of sixteen police officers for the School Resources Officer Program to be conducted within the YISD during the school year 2003-2004 with an option to extend through summer school 2004; payment will be received from the YISD for twelve of the officers in an amount equal to 50% of each officer's salary and benefits for the actual number of days each officer works in the Program, and the salaries for four officers will be paid from the COPS in Schools grant from the U.S. Department of Justice, Office of Community Oriented Policing Services.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and submit an application for federal assistance, including all assurances and certifications, to the Office of National Drug Control Policy in the total amount of \$1,838,545.00 for the purpose of continuing the operation of the various High Intensity Drug Trafficking Area (HIDTA) task forces by the Police Department in 2003. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Texas Highway Traffic Safety Program Grant Agreement, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount not to exceed \$150,000.00 from the Texas Department of Transportation, for the purpose of conducting special traffic enforcement programs; that the Chief of Police be authorized to sign and submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. No matching funds required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso provides notice of intent to acquire the following parcels required for the Byron, Lackland, Russell and Steven's Parkway Improvements Project, a 28th Year (2002-2003) Community Development Project:

- Parcel 1: A portion of Lot 1, Block 88D, LOGAN HEIGHTS ADDITION, containing 48.29 square feet, more or less.
- Parcel 2: A portion of Lot 16, Block 88A, LOGAN HEIGHTS ADDITION, containing 48.29 square feet, more or less.
- Parcel 3: A portion of Lot 1, Block 73D, LOGAN HEIGHTS ADDITION, containing 21.46 square feet, more or less.
- Parcel 4: A portion of Lot 8, Block 73A, LOGAN HEIGHTS ADDITION, containing 21.46 square feet, more or less.

and that the City Council authorize the Mayor to sign any right-of-entry agreements which may be required for the acquisition of these properties.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Subordination Agreement between the City of El Paso, Wells Fargo Brokerage Services, LLC and Centro San Vicente, whereby Centro San Vicente and Wells Fargo Brokerage Services, LLC agree that a prior lien will be subordinated to the City's Deed of Trust in Connection with the February 4, 2003, Forgivable Loan Agreement for the project known as "Centro San Vicente Renovation", a 28th Year (2002-2003) Community Development Project, in the amount of \$690,000.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to accept a donation of fruits, donuts, cookies and water in the amount of approximately ONE HUNDRED AND EIGHTY FIVE AND 50/100 DOLLARS (185.50) from various local businesses for the WALK-A-FAIR on May 17, 2003 sponsored by the City-County Health and Environmental District.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Agreement for Mutual Aid, Regional Interstate Metropolitan Medical Response System between the City of El Paso and the County of Dona Ana, New Mexico, to secure for each the benefits of mutual aid response to the health and medical consequences of terrorist incidents involving weapons of mass destruction.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute an Annual Report/System Membership Application to continue the El Paso Public Library's membership in the Texas Library System for the upcoming state fiscal year (SFY 2004).

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Library Director be authorized to sign an Exhibit Contract with Eniac Martinez Ulloa covering the exhibit "Camino Real Tierra Adentro" at the Main Library of the El Paso Public Library System for the period of April 27 through May 30, 2003. This exhibition is at no cost to the City.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Public Library be allowed to serve wine at an opening reception for the exhibit, "Camino Real Tierra Adentro," at the Main Library, 501 North Oregon, on April 27, from 2:00 p.m. - 4:00 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CHELSEA GRENINGER**, to teach an art class at the Museum of Art, at an hourly rate of \$20.00, for a maximum of 30 hours per week, from April 16, 2003 through August 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RENEÉ M. AGEE**, to teach Art workshops and Summer Camp classes at the Museum of Art, at an hourly rate of \$20.00, for 30 hours per week maximum, from April 16, 2003 through August 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **MARLO TENA** to assist the Police Department as a Department Volunteer Coordinator at an hourly rate of \$12.92 for 40 hours per week. The contract period is from April 24, 2003 through April 23, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **RICARDO PANDO** to assist the El Paso Public Library as a Computer Operator at an hourly rate of \$12.30 for up to 39 hours per week. The term of the contract shall be for the period of April 16, 2003 through April 15, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ELIZABETH JUAREZ** to assist the Police Department as a Victim Services Response Team Case Manager at an hourly rate of \$12.61 for 40 hours per week. The contract period is from April 16, 2003 through August 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **GLORIA GRAELLS** to assist the Police Department as a Victim Services Response Team Case Manager at an hourly rate of \$12.30 for 40 hours per week. The contract period is from April 16, 2003 through August 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SHEILA ELIAS** to assist the Financial and Administrative Department as a Grants Administrator at a biweekly rate of \$1,923.08 for 40 hours per week. The term of the contract shall be for the period of May 8, 2003 through May 7, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **TERESA A. MCGLONE** to assist the Financial and Administrative Services Department as a Grants Administrator at a biweekly rate of \$1,923.08 for 40 hours per week. The term of the contract shall be for the period of April 16, 2003 through April 15, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **ROSA MARIA JUAREZ** to assist the Mayor's Office as a Secretary I at an hourly rate of \$9.98 for 40 hours per week. The term of the contract shall be for the period of May 8, 2003 through July 7, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **JOSE B. AGUIRRE** to assist the Information Technology Department as a Network Administrator at a biweekly rate of \$2,269.23 for 40 hours per week. The term of the contract shall be for the period of April 16, 2003 through September 15, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **SUSAN ALICIA ARMSTRONG** to assist the Police Department as a Victim Services Volunteer Coordinator at an hourly rate of \$12.30 for 40 hours per week. The contract period is from April 16, 2003 through August 31, 2003.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ESTHER S. MATA** to assist the Police Department as a Multi-Agency Referral System Coordinator at a bi-weekly rate of \$1,105.29 for 40 hours per week. The contract period is from April 16, 2003 through April 15, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ARACELI SALCEDO** to assist the Police Department as a Multi-Agency Referral System Coordinator at a bi-weekly rate of \$1,105.29 for 40 hours per week. The contract period is from April 16, 2003 through April 15, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Council of the City of El Paso approves the participation of the El Paso Solid Waste Management Department in the 7th Annual Dia de los Niños: Dia de los Libros (Children's Day: Book Day) Parade to be held Saturday, April 26, 2003, by providing a Solid Waste Management vehicle to escort the Recycling Mascot, Captain Can-A-Roo.

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***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code:

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

Lot 25, Block 15, Millers Lakeside, an Addition to the City of El Paso, being more particularly described in Volume 1556, Page 461, Deed Records of El Paso County, Texas. (PID #M452-999-0150-7300)

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***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

The South 23.75 feet of Lots 7, 8, 9 and 10, and the East 16 feet of the South 23.75 feet of lot 6, Block 242, Campbell Addition, an Addition to the City of El Paso, being more particularly described in Volume 1270, Page 161, Deed Records of El Paso, Texas (PID #C050-999-2420-3700)

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***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

The South 42 feet of the Northerly 125 feet of Lots 1 and 2, Block 32, Franklin Heights Addition, an Addition to the City of El Paso, being more particularly described in Volume 1847, Page 101, Deed Records of El Paso County, Texas. (PID #F607-999-0320-0500)

.....
***RESOLUTION**

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Tax Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05 subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as;

.046 acre, more or less, out of Lots 31 and 32, Block 7, East El Paso Addition, Supplemental Map #1, an Addition to the City of El Paso, being more particularly described as Exhibit "B" in Volume 1642, Page 1276, Deed Records of El Paso County, Texas. (PID #E014-999-0070-7900)

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 20th day of May, 2003 in the Council Chambers of City Hall, #2Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 551 Cora Place, in El Paso, Texas, which property is more particularly described as:

Lot: 13, Block "C", Map of the Christy Tract

Is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Elvira F. Chabarría, 551 Cora Place, El Paso, Texas 79915, is listed as the Owner of the real property described herein.

The owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day each violation, or \$10.00 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any Civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law. According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that L. Ray Cox be **APPOINTED** Director of Parks and Recreation at an annual salary of \$90,000 effective April 15, 2003.

Mayor Raymond C. Caballero congratulated Mr. Cox on his appointment

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*Motion made, seconded and unanimously carried that Patricia D. Adauto be **APPOINTED** Deputy Chief Administrative Officer, Building and Planning Services at an annual salary of \$114,000 effective April 15, 2003.

Mayor Raymond C. Caballero congratulated Ms. Adauto on her appointment and commented.

Representative Sumrall commented.

NOTE: Middle initial was revised from "A." to "D."

*Motion made, seconded and unanimously carried to **APPROVE** the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. **STREET:**
Clerk Typist I (1)
- B. **HUMAN RESOURCES:**
Recruitment and Examination Analyst (1)
Personnel Analyst II (2)
Personnel Analyst I (2)

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*Motion made, seconded and unanimously carried to **APPROVE** the Staffing Table Change for Airport

Add	1.00	Airport Labor Supervisor	GS23
Delete	1.00	Airport Labor Supervisor	GS21

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*Motion made, seconded and unanimously carried to **RE-APPOINT** Gary Williams to the Historic Landmark Commission by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to **RE-APPOINT** Rebecca Krasne to the Public Arts Commission by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to **RE-APPOINT** Ali Boureslan to the Fair Housing Task Force by Representative Daniel Power.

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*Motion made, seconded and unanimously carried to **APPOINT** Elijah Graham to the Civil Service Commission by Representative Rose Rodriguez.

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*Motion made, seconded and unanimously carried to **APPOINT** Celia Berton to the Charitable Solicitations Commission by Mayor Raymond C. Caballero.

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*Motion made, seconded and unanimously carried to **APPOINT** Maria Licon to the Fair Housing Task Force by Representative Luis Sariñana.

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*Motion made, seconded and unanimously carried to **APPOINT** Gerardo L. (Tito) Camacho to the Charitable Solicitation Commission by Representative Luis Sariñana.

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*Motion made, seconded and unanimously carried to **APPOINT** Rosemary Staley to the City/County Animal Shelter Advisory Committee by Representative Escobar.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be **APPROVED** in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #M602-000-0030-0027, \$275.71 per month installments on a balance of \$3,308.52 for 1997, 1999 & 2000 taxes; Victor Gordea – Rosa Enriquez – 849 Fairlane Dr.
- B. PID #V893-999-1960-2100, \$1,127.02 per month installments on a balance of \$13,524.24 for 2000, 2001 & 2002 taxes; Rodolfo M. Rodriguez – 1941 Septiembre Dr.
- C. PID #1999-000-0018-0014, \$667.02 per month installments on a balance of \$4,002.12 for 2001 taxes; Budget Towing Incorp % Juan Singh – 1001 Main.
- D. PID #M056-999-0300-3100, \$216.39 per month installments on a balance of \$2,596.68 for 2002 taxes; Charles T. & Elvia D. Murphy – 2816 Copper Ave.
- E. PID #S533-000-0010-13V0, \$94.44 per month installments on a balance of \$3,399.84 for 2000 & 2001 taxes; Felipe & Rosa Beltran – 751 Anderson Rd.

- F. PID #W813-999-0170-5700, \$991.59 per month installments on a balance of \$11,899.08 for 1997, 1998, 1999, 2000, 2001 & 2002 taxes; Alfredo Gomez, Sr. – 6151 Tampa Ave.
- G. PID #1997-999-2731-0034, \$834.35 per month installments on a balance of \$5,006.10 for 2001 taxes; G Cor Inc. – 6596 Montana.

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*Motion made, seconded and unanimously carried that the following tax refunds be **APPROVED**:

- A. ABN AMRO Mortgage Group, Inc. in the amount of \$5,019.91, overpayment of 2002 taxes.
(PID #A208-999-0010-0100)
- B. Javier Moreno in the amount of \$1,178.06, overpayment of 2002 taxes.
(PID #A438-999-0040-9100)
- C. Fort Bliss Federal Credit Union in the amount of \$2,545.73, overpayment of 2002 taxes.
(PID #C340-999-0410-1900)
- D. US Bancorp Service Providers in the amount of \$1,762.97, overpayment of 2002 taxes.
(PID #C340-999-1330-4100)
- E. Colonial Savings in the amount of \$737.41, overpayment of 2002 taxes.
(PID #C809-999-0040-4300)
- F. Benjamin Morales in the amount of \$1,633.03, overpayment of 2002 taxes.
(PID #L478-999-0060-0100)
- G. Colonial Savings in the amount of \$1,459.39, overpayment of 2002 taxes.
(PID #M638-999-0080-1300)
- H. Zulema Perez in the amount of \$1,800.95, overpayment of 2002 taxes.
(PID #M771-999-0320-3500)
- I. Fort Bliss Federal Credit Union in the amount of \$1,645.18, overpayment of 2002 taxes.
(PID #N229-999-0070-3600)
- J. Marc E. Sarver & Kathy A. Sarver in the amount of \$2,118.22, overpayment of 2002 taxes.
(PID #P605-999-0060-1500)
- K. Colonial Savings in the amount of \$1,076.60, overpayment of 2002 taxes.
(PID #P654-999-1300-2100)
- L. Fort Bliss Federal Credit Union in the amount of \$2,921.90 overpayment of 2002 taxes.
(PID #R230-001-0010-1100)
- M. Colonial Savings in the amount of \$787.42, overpayment of 2002 taxes.
(PID #R460-999-0320-1400)
- N. Fort Bliss Federal Credit Union in the amount of \$1,178.71, overpayment of 2002 taxes.
(PID #S243-999-0480-2500)
- O. Colonial Savings in the amount of \$522.78, overpayment of 2002 taxes.
(PID #S445-999-0010-1800)
- P. Stewart Title in the amount of \$1,405.14, overpayment of 2002 taxes.
(PID #T116-999-0120-1500)
- Q. Peter R. Viola in the amount of \$1,422.84, overpayment of 2002 taxes.
(PID #V430-999-0020-7900)
- R. Hibernia National Bank in the amount of \$1,699.92, overpayment of 2002 taxes.
(PID #V655-999-0010-0830)
- S. Chase Manhattan Mortgage in the amount of \$1,077.10, overpayment of 2002 taxes.
(PID #V893-999-1820-5300)
- T. Wingfoot Commercial Tire Systems, LLC in the amount of \$7,547.09, overpayment of 2002 taxes.
(PID #V893-999-3430-2500)
- U. Fort Bliss Federal Credit Union in the amount of \$1,935.92, overpayment of 2002 taxes.
(PID #V893-999-4610-0700)
- V. Stewart Title in the amount of \$3,315.21, overpayment of 2002 taxes.
(PID #V897-999-0470-2200)
- W. Taylor Bean & Whitaker in the amount of \$1,336.97, overpayment of 2002 taxes.
(PID #V927-999-0510-4300)

- X. Robert C. Samuel in the amount of \$18,784.56, overpayment of 2002 taxes.
(PID #X214-999-000A-7300)
- Y. Robert C. Samuel in the amount of \$15,659.46, overpayment of 2001 taxes.
(PID #X214-999-000A-7300)
- Z. Robert C. Samuel in the amount of \$17,817.95, overpayment of 2000 taxes.
(PID #X214-999-000A-7300)
- AA. Stewart Title in the amount of \$1,804.27, overpayment of 2002 taxes.
(PID #V893-999-1660-1500)
- BB. El Paso Hotels LLC in the amount of \$560.82, overpayment of 2002 taxes.
(PID #A765-999-002C-0452)
- CC. E & O Property in the amount of \$2,585.58, overpayment of 2002 taxes.
(PID #C050-999-2200-4000)
- DD. Lawyers Title of El Paso in the amount of \$3,100.54, overpayment of 2002 taxes.
(PID #C815-999-0010-5500)
- EE. Eduardo Garcia in the amount of \$536.20, overpayment of 2002 taxes.
(PID #M191-000-0040-1500)
- FF. Jones Family Trust in the amount of \$19,274.10, overpayment of 2002 taxes.
(PID #V893-999-2340-7910)
- GG. 1st Nationwide Mortgage in the amount of \$1,919.69, overpayment of 2001 taxes.
(PID #V927-999-0240-5150)

.....
 *Motion made, seconded and unanimously carried to **AUTHORIZE** to transfer \$1,000.00 from District 7 (previous year's) Discretionary Funds to the Parks & Recreation Department to assist with additional expenditures of the Grand Opening of the **CAROLINA SKATE PARK** held on Saturday, March 29, 2003.

.....
 *Motion made, seconded and unanimously carried to **AUTHORIZE** to transfer \$2,200.00 from District 6 Council Special Projects (discretionary funds) to Parks and Recreation Department, for the purchase of one defibrillator, to be placed at Father Martinez Senior Center.

.....
 *Motion made, seconded and unanimously carried to **AWARD** Bid No. 2003-066 Lease Space for MPO Office

Award to: Sonny Brown Associates, L.L.C.
 El Paso, Texas
 Item (s): All
 Amount: \$75,949.92 (annually)
 Department: Metropolitan Planning Organization
 Funds available: 68150009-05017-502400 Grant G780301
 Funding source: MPO Planning Grants, Building Leases, Grant FHWA/
 TX DOT/ MPO FY03
 Total award: \$75,949.92 (annually)

The Review Committee based on evaluation factors established for this Best Value Procurement recommend award to Sonny Brown Associates L.L.C.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

This is a three (3) year contract with the option to extend for two (2) additional three (3) year terms.

NOTE: Bid was revised.

Motion made, seconded and unanimously carried to move to the **REGULAR AGENDA** and to **EXECUTIVE SESSION** Bid No. 2003-099 Schuster Slope Stability.

Ms. Rita Rodriguez, City Attorney, requested that the item be moved to the regular agenda and into Executive Session to allow consultation with legal counsel.

Motion made Representative Power, seconded by Representative Cobos and unanimously carried to award Bid No. 2003-099 Schuster Slope Stability.

Representatives Sumrall and Sariñana were not present for the vote.

Contractor: Silverton Construction Company Inc.
El Paso, TX

Department: Streets
Funds Available: 31110103-PPW0100-26014-508027
Funding Source: 1987A Issue Flood Control
Items: Base Bid I \$1,987,733.00
Base Bid IA \$ 1,305.00
Total Award: \$1,989,038.00

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to Silverton Construction Company Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

.....
*Motion made, seconded and unanimously carried to **AWARD** Bid No. 2003-113 Traffic Signal Heads

Award to: U. S. Traffic Corporation
Santa Fe Springs, CA
Item(s): Alternate Bid, Items #1 and #2
Amount: \$46,335.30 (estimated annually)

Department: Street
Funds available: 31260001-2010288-508027-503203-PPW0303
Funding source: General Fund
Total award: \$46,335.30

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty Four months.

.....
 *Motion made, seconded and unanimously carried to **AWARD** Bid No. 2003-119 Hydraulic Oil-Grade 32

Award to: C & R distributing, Inc.
 El Paso, Texas
 Item (s): 1A & 1B
 Amount: \$30,000.00 (estimated annually)
 Department: Fleet Services
 Funds available: 37370510-503121
 Funding source: Fleet Services Internal Service Fund
 Total award: \$30,000.00 (estimated annually)

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) additional years if the option is exercised within one (1) or two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....
 *Motion made, seconded and unanimously carried to **APPROVE** budget transfer BT2003-443 AIRPORT Transfer of funds to cover cost of electric cart operators in the Terminal. FY02 invoices paid in FY03 due to vendor's name change requiring submittal of proper documentation as required by Purchasing.

Increase	\$31,000	to	62620005/40101/502215	OtsdeCont
Decrease	\$31,000	from	62620001/40101/504405	Contingency

.....
 *Motion made, seconded and unanimously carried to **APPROVE** budget transfer BT2003-521 AIRPORT Transfer of funds to cover increased cost of electricity at the new cargo complex based on year to date expenses.

Increase	\$28,000	to	62620004/40101/504100	Electricity
Decrease	\$28,000	from	62620001/40101/504405	Contingency

.....
 *Motion made, seconded and unanimously carried to **APPROVE** budget transfer BT2003-522 OMB To establish required appropriations from estimated revenue of print shop into special items as well as to establish required appropriations for a new printer.

Increase	\$250,000	to	53530151/45204/407002	Est Rev
Increase	\$250,000	to	53530151/45204/507000	IntrfndTrans
Increase	\$225,000	to	99010273/01101/4070	IntrfndTrans
Increase	\$225,000	to	99010273/01101/507001	Intrfnd Trans
Increase	\$ 25,000	to	04102010/P540010CTY27503/407000	Intrfnd Trans
Increase	\$ 25,000	to	04102010/P540010CTY2750	DtaProcEquip

*Motion made, seconded and unanimously carried to **APPROVE** the request of Aids Project El Paso to hold a footrace on May 3, 2003 from 8:00 a.m. to 9:30 a.m. Route: Start at the corner of Stanton and Cincinnati, north to Kansas, right on Kansas, left on Rim Road, left on Robinson, right on Piedmont, left on La Cruz, left on O'Keefe, left on McKelligon, right to Stanton, return to start. Approximately 300 persons will take part and 50 spectators are anticipated. This request includes permission to use amplification (1 microphone, 2 speakers, and portable p.a. system).

*Motion made, seconded and unanimously carried to **APPROVE** the request of Saint Patrick Cathedral to hold a procession on April 18, 2003 from 10:00 a.m. to 1:00 p.m. Route: Start at the corner of Arizona and Stanton St., proceed on Stanton to Rio Grande, left on Rio Grande, right on Florence, left on Montana across Virginia, right on Ange, right on Wyoming, right on Virginia across Montana, left on Crosby, left on Kansas, right on California, proceed to Kansas, right on Kansas, right on Nevada, left into church parking lot. Approximately 300 persons and two vehicles will take part with no spectators anticipated. This request includes permission to use amplification (1 microphone, 1 speaker and amplifier).

*Motion made, seconded and unanimously carried to **APPROVE** the request of El Paso Heritage Week Festival to block off Main St. between Mesa and Oregon St. on May 3, 2003 from 8:00 a.m. to 11:59 p.m. for a parade. Route: Start at corner of Virginia and Mills, proceed to Mills, right on Stanton, left on Main, left on Mesa, right on Mills and proceed to El Paso St. Parade then will turn left on San Antonio, left on Mesa, right on Mills and proceed to Virginia and Mills. Barricades must be manned in according to the State's "Manual of Uniform Traffic Control Devices". Approximately 150 persons, 55 vehicles, 20 animals, 2 stagecoaches will take part with 1,500 spectators anticipated. This request also includes permission to use amplification (32 microphones, 24 speakers, 10,000 watts).

*Motion made, seconded and unanimously carried to **APPROVE** the request of Downtown Optimist Club to hold a footrace on May 17, 2003 from 8:00 a.m. to 8:45 a.m. Route: Start at Album Park and Parkwood St., left on Bayo, right on Orkney, right on Ballymote, right on Saigon, right on Wedgewood, right on Lockerbie proceed on running path around the park to the finish at Parkwood St. Approximately 250 persons will take part with 50 spectators anticipated. This request includes permission to use amplification (small portable PA system).

*Motion made, seconded and unanimously carried to **APPROVE** the request of Gerry Cichon to use amplification (one D.J.) on April 19th, 2003 from 2:00 p.m. to 6:00 p.m. at Marwood Park, April 26th, 2003 from 2:00 p.m. to 6:00 p.m. at Crestmont Park and April 27th, 2003 from 2:00 p.m. to 6:00 p.m. at Armijo Park for an Easter hunt & rally. Approximately 200 persons will take part.

*Motion made, seconded and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance changing the zoning of Tract 21, O.A. DANIELSON SURVEY NO. 310, El Paso, El Paso County, Texas (George Dieter Drive and Guernsey Road) from R-3 (Residential) to C-1 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Lee Urias, 238 N. Zaragoza Rd., El Paso, TX 79907. ZC-02071

ORDINANCE 15414

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.200 (RENTAL RATES AND USER FEES AUTHORIZATION) OF THE EL PASO MUNICIPAL CODE TO ESTABLISH OR REVISE RENTAL RATES AND USER FEES.**

Representative Sumrall requested that a 50% reduction in user fees for active military families be included in the Ordinance language.

Mr. Ray Cox, Parks and Recreation Director, made comments and answered questions from Council Members.

Ms. Rita Rodriguez, City Attorney, read into the record the definition of "military".

Representative Rodriguez requested that user fees for McKelligon Canyon be deleted.

Representative Sumrall included Representative Rodriguez' suggestion that the language regarding user fees for McKelligon Canyon be deleted until the completion of the remodeling project at McKelligon Canyon into the motion.

Mr. Cox explained that the entry fee would be collected upon completion of the remodeling of the entrance booth and McKelligon Canyon.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos
NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS REVISED**.

.....
ORDINANCE 15415

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NOS. 010873, 012221, 012476, 012636 AND 014826, WHICH ESTABLISHED FEES FOR THE FOREIGN TRADE ZONE, TO AMEND THE USER FEES TO ADD HIGH VOLUME ADMISSIONS FOR USERS OF FOREIGN TRADE ZONE NO. 68, TO AMEND THE TARIFF FOR FOREIGN TRADE ZONE NO. 68 TO REFLECT SUCH CHANGES, AND TO CHANGE THE GRANTEE/OPERATOR FOR THE CITY OF EL PASO TO THE DIRECTOR OF AVIATION.**

There was no discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Medina, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Sariñana and Cobos
NAYS: None Absent: Council Member Escobar

Council Member Power was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

ORDINANCE 15416

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS), CHAPTER 14.24 (COMMERCIAL AIR CARRIERS RATES AND CHARGES) OF THE EL PASO MUNICIPAL CODE BY AMENDING SECTION 14.24.010 TO ADD DEFINITIONS FOR "SIGNATORY CARGO CARRIERS" AND "CARGO FACILITIES" AND APPENDIX A TO SET FORTH NEW COST RECOVERY RATES FOR FISCAL YEAR 2003. THE PENALTY AS PROVIDED IN CHAPTER 1.08 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall noted that the Ordinance language did not include commercial passenger flight airlines.

Mr. Patrick Abeln, Director of Aviation, provided explanation.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Medina, seconded by Representative Sumrall, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos
NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 15417

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING THE CITY OF EL PASO AND ITS POLICE AND PARKS AND RECREATION DEPARTMENTS TO USE A PORTION OF MCKELLIGON CANYON PARK ON APRIL 27, 2003.**

Representative Rodriguez requested that City Departments not be charged the entrance fee.

Representative Sumrall commented.

Commander Cliff Walsh explained that a Safety Fair would be held at McKelligon Canyon on April 27, 2003.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos
NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Motion made, seconded and unanimously carried to move into Executive Session the public hearing for an Ordinance creating a Sports and Community Venue District, defining the boundaries of the District, and designating the number of Directors, the manner of appointment and manner in which the Chair will be appointed, pursuant to Texas Local Government Code Chapter 335.

Ms. Rita Rodriguez, City Attorney, requested that Mr. Ed Drusina, Director of Public Works provide the Council Members information regarding his meeting with the County Commissioners on Monday, April 14, 2003.

Mr. Drusina noted that the County Commissioners had denied the City's request for a 90-day extension.

Representatives Medina, Sumrall, Cook, Power, and Cobos commented.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to **DELETE** an Ordinance creating a Sports and Community Venue District, defining the boundaries of the District, and designating the number of Directors, the manner of appointment and manner in which the Chair will be appointed, pursuant to Texas Local Government Code Chapter 335.

Representatives Sumrall and Sariñana were not present for the vote.

.....
ORDINANCE 15418

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF TRACT 2A, BLOCK 17, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (7864 NORTH LOOP DRIVE) FROM A-2 (APARTMENT) TO C-3 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representatives Sariñana and Sumrall commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sariñana, seconded by Representative Power, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 15419

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 1 AND 2, BLOCK 1, LAFAYETTE PLACE RESUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (413 GALLAGHER ST.) FROM R-3 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

There was no discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 15420

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACTS 5 AND 6, BLOCK 10, UPPER VALLEY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (BORDERLAND ROAD EAST OF WESTSIDE DRIVE) FROM R-F (RANCH-FARM) TO C-1 (COMMERCIAL) WITH CERTAIN CONDITIONS. THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Sumrall commented on the construction of a church on the proposed property.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Sumrall, seconded by Representative Power, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 15421

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 014891, WHICH CHANGED THE ZONING OF LOTS 1 - 54, BLOCK 21, VILLA DEL ESTE UNIT FOUR, EL PASO, EL PASO COUNTY, TEXAS (SAUL KLEINFELD DRIVE AT ROBERT WYNN STREET) FROM Q/SC/SP QUARRY/SPECIAL CONDITIONS/SPECIAL PERMIT) TO A-2/SC (APARTMENT/SPECIAL CONDITIONS), AND IMPOSED CERTAIN CONDITIONS, BY DELETING THE CONDITION THEREOF. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

There was no discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Sariñana and Cobos

NAYS: None Absent: Council Member Escobar

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Motion made by Representative Cobos, seconded by Representative Sariñana and unanimously carried to **POSTPONE ONE (1) WEEK** the public hearing to determine if the property located at 2400 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Harold W. Crumley, 2514 E. Yandell Drive, El Paso, Texas 79903, has been notified of the violations at this property.

Representatives Cobos, Cook, Medina, and Rodriguez commented.

Representative Cobos withdrew his motion to postpone to allow Representative Rodriguez to speak.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record. He requested the property owner complete the construction within 90 days.

Assistant Fire Chief Mike Widtfeldt commented on the number of calls received by the Fire Department regarding the property.

Ms. Rita Rodriguez, City Attorney, suggested that Council postpone the item one week as the hearing impaired equipment was not working properly.

Mr. Crumley, property owner, explained that he could not clearly hear the discussion as he is hearing impaired and commented on the public hearing as posted on the agenda.

.....
*Motion made, seconded and unanimously carried to **DELETE** the public hearing to determine if the property located at 8963 Norton Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, William Aziz, 2315 Murchison Drive, El Paso, Texas 79902, has been notified of the violations at this property.
.....

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 2506 Copper Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: The West ½ of Lot 29 and all of lot 30, Block 67, Third Amended Map of Highland Park Addition

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Eva Selma Pickens AKA Eva S. Kelly, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on April 15th, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:

- a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. That the structure can be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building be secured within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for June 17th, 2003, in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
 3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
 4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and

7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Tom Maguire, Building Permits and Inspections Department, presented the case to Council Members and gave the department's recommendations.

Representative Rodriguez commented.

The City Clerk called for public comment. There was no public comment.

Motion made by Representative Rodriguez, seconded by Representative Cook and unanimously carried to **APPROVE** the above resolution.

.....
 Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE TWO (2) WEEKS** the public hearing to determine if the property located at 4473 Eleanor Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of record as of January 10th, 2003, Fernando Lopez, 10360 Jimenez Lane, El Paso, Texas 79927, has been notified of the violations at this property. As of January 25, 2003, \$1,083.72 are owed on taxes.

Mr. Tom Maguire, Building Permits and Inspections Department, presented the case to Council Members and gave the department's recommendations.

Representatives Cobos, Rodriguez, Sumrall, Sariñana, Cook and Mayor Raymond C. Caballero commented.

Mr. Fernando Lopez, property owner, requested additional time to repair the property.

Representative Cobos moved to postpone one (1) week. Representative Cook seconded.

Mr. Maguire suggested that the item be postponed two weeks as the Easter holiday was approaching.

Representative Cobos moved to postpone two weeks. Representative Cook seconded.

The City Clerk called for further public comment. There was no further public comment.

.....

*Motion made, seconded and unanimously carried to **POSTPONE ONE (1) WEEK** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for one (1) additional year, from May 1, 2003, through April 30, 2004, pursuant to the provisions of contract 2000-167R, Cellular Telephone Services, with Voice Stream Wireless, \$127,000.00 estimated annual.

OPTION NO.: THREE [OF FOUR]

Department: Communications
Account No: Various
Funding Source: Various
Amount: \$127,000.00 Estimated Annually

.....
Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of The El Paso Regional Group, Sierra Club to hold a vigil on April 21, 2003 from 4:30 p.m. to 11:59 p.m. and April 22, 2003 from 12:00 a.m. to 12:00 p.m. at the front side area of City Hall. This request includes permission to use amplification (two microphones, one 300 watt amplifier and two speakers). Approximately 50 persons will take part. PERMIT NO. 03-051

Mr. Terry Williams, Director of Building Permits and Inspections, explained that the event would take place during working hours and on the sidewalk in front of City Hall. He stated that the amplification restriction during the hours of 10:00 p.m. and 7:00 a.m. was not duly noted on the applicant's application.

Ms. Rita Rodriguez, City Attorney, noted that the amplification restriction should be noted on the applicant's permit.

Representative Sumrall commented.

Mr. Jose Escobedo, citizen, explained the Sierra Club parade activity and noted that participants would adhere to the amplification restriction.

NOTE: Request was revised from 500 to 50 persons taking part in the event.

.....
NO ACTION was taken on the discussion and action regarding the 2002 Department Report of the Building Permits & Inspections Department.

Mr. Terry Williams, Director of Building Permits and Inspections, gave a presentation regarding the 2002 Building Permits & Inspections Department annual report.

.....
*Motion made, seconded and unanimously carried to **DELETE** the discussion and action on designating Saul Kleinfeld Drive north to Montana from Bell Tower, a two way street.

.....
Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance permitting Laura Griffin to use a portion of Memorial Park from 12:00 pm until 6:00 pm on May 17, 2003.
- B. An Ordinance granting a Special Privilege to the El Paso Heritage Week Festival to temporarily close portions of Main Drive between Oregon Street and Mesa Street; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; and portions of public rights-of-way (sidewalk area) along Oregon Street between Main Drive and Mills Avenue; El Paso Street between Mills Avenue and San Antonio Avenue for the El Paso Heritage Week Festival on Saturday, May 3, 2003. (*Consideration: \$50.00, SP-03005*)

PUBLIC HEARING WILL BE HELD ON APRIL 29, 2003 FOR ITEMS A - B

- C. An Ordinance changing the zoning of Tract 3A1 and a Portion of Tract 3A1A, S.A. & M.G. SURVEY NO. 266 (Parcel 1) and a Portion of Lot 7, Block 4, SUNSET VIEW UNIT 2, El Paso, El Paso County, Texas (Desert South Blvd. and Montoya Lane) from R-3 (Residential) and R-3A/sp (Residential/Special Permit) to C-3 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Three Amigos Partnership / Representative: David Etzold, 201 E. Main, Suite 103, El Paso, TX 79901. ZC-03007
- D. An Ordinance changing the zoning of Lots 9 and 10, Block 18, AMENDED MAP OF MORNINGSIDE HEIGHTS ADDITION, El Paso, El Paso County, Texas (3714 Dyer St.) from C-1 (Commercial) to C-3 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: James Hobson, 4949 Dyer St., El Paso, TX 79930. ZC-03009
- E. An Ordinance granting Special Permit No. SU-03002, to allow for a planned residential development on Lot 21, ROSEDALE FARMS COMPANY SUBDIVISION NO. 2, El Paso, El Paso County, Texas (7769-7771 Rosedale Drive) pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. ZONE: R-3 (Residential). Applicant: Arnaldo Gallardo/ Representative: Roe Engineering, L.P., 601 N. Cotton, Suite 6, El Paso, TX 79902

PUBLIC HEARING WILL BE HELD ON MAY 6, 2003 FOR ITEMS C – E

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to **EXCUSE** Representative Paul Escobar from the Regular City Council meeting of April 15, 2003.

*Motion made, seconded and unanimously carried to **APPOINT** Gerardo Licon to the Flood Damage Prevention Board of Appeals by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to **APPOINT** Servando Hernandez to the Zoning Board of Adjustment by Mayor Raymond C. Caballero.

NOTE: Item was revised to read "Zoning Board of Adjustments".

*Motion made, seconded and unanimously carried to **APPOINT** Cecilia Arriola to the Civil Service Commission by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to **APPROVE** the request of Isabel Peralta to use amplification (1 microphone and speaker) at El Paso Avenue on April 19, 2003 and April 26, 2003 from 9:00 a.m. to 9:00 p.m. Approximately 3 persons will take part. PERMIT NO. 03-052

SECOND ADDITION TO THE AGENDA

See page 23 for Motion to approve the introduction of an Ordinance granting a Special Privilege to the El Paso Heritage Week Festival to temporarily close portions of Main Drive between Oregon Street and Mesa Street; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; and portions of public rights-of-way (sidewalk area) along Oregon Street between Main Drive and Mills Avenue; El Paso Street between Mills Avenue and San Antonio Avenue for the El Paso Heritage Week Festival on Saturday, May 3, 2003. (Consideration: \$50.00, SP-03005)

.....
Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:40 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

A. Hilda Marquez, et al vs. The City of El Paso, et al, Cause No. 2002-812, Our File No. 02-S-08 (551.071)

B. Ricardo Dominguez, 02-C-334 (551.071)

C. Elena B. Gonzalez, 03-C-041 (551.071)

D. Bid No.: 2003-099 Schuster Slope Stability (551.071)
Contractor: Silverton Construction Company Inc.
El Paso, TX
Department: Streets

Funds Available: 31110103-PPW0100-26014-508027
Funding Source: 1987A Issue Flood Control
Items: Base Bid I \$1,987,733.00
Base Bid IA \$ 1,305.00
Total Award: \$1,989,038.00

E. An Ordinance creating a Sports and Community Venue District, defining the boundaries of the District, and designating the number of Directors, the manner of appointment and manner in which the Chair will be appointed, pursuant to Texas Local Government Code Chapter 335. (551.071)

Motion made by Representative Rodriguez, seconded by Representative Medina and unanimously carried to adjourn the Executive Session at 11:00 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows.

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the lawsuit entitled **Hilda Marquez, et al vs. Robert Bottom, et al: Cause No. 2002-812 our File No. 02-S-08** be **Settled** as recommended by the City Attorney.

Representatives Sumrall and Sariñana were not present to vote.
.....

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried that the claim entitled **Ricardo Dominguez; Our File No. 03-C-041** be **DENIED** as recommended by the City Attorney.

Representatives Sumrall and Sariñana were not present to vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the claim entitled **Elena B. Gonzalez; Our File No. 03-C-041** be **Denied** as recommended by the City Attorney.

Representatives Sumrall and Sariñana were not present to vote.

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to **AWARD** Bid No. 2003-099 Schuster Slope Stability

Contractor:	Silverton Construction Company Inc.	
	El Paso, TX	
Department:	Streets	
Funds Available:	31110103-PPW0100-26014-508027	
Funding Source:	1987A Issue Flood Control	
Items:	Base Bid I	\$1,987,733.00
	Base Bid IA	\$ 1,305.00
Total Award:	\$1,989,038.00	

The Departments of Purchasing, Engineering, and Streets recommend the award of this contract to Silverton Construction Company Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

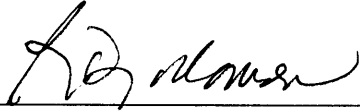
Representatives Sumrall and Sariñana were not present to vote.

Motion made Representative Power, seconded by Representative Cobos and unanimously carried to **DELETE** an Ordinance creating a Sports and Community Venue District, defining the boundaries of the District, and designating the number of Directors, the manner of appointment and manner in which the Chair will be appointed, pursuant to Texas Local Government Code Chapter 335.

Representatives Sumrall and Sariñana were not present to vote.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to
ADJOURN this meeting at 11:03 a.m.

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APPROVED AS TO CONTENT:

A handwritten signature in cursive script, appearing to read "Richarda Momsen", written over a horizontal line.

Richarda Duffy Momsen, City Clerk